

1 JOSEPH P. RUSSONIELLO (CABN 44332)  
2 United States Attorney

3 BRIAN J. STRETCH (CABN 163973)  
4 Chief, Criminal Division

5 GRANT P. FONDO (CABN 181530)  
6 Assistant United States Attorney

7 150 Almaden Boulevard, Suite 900  
8 San Jose, California 95113  
9 Telephone: (408) 535-5035  
10 FAX: (408) 535-5035

**\*E-FILED - 8/12/09\***

11 Attorneys for Plaintiff

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA, ) No. CR 08-00871 RMW  
17 Plaintiff, ) STIPULATION AND []  
18 v. ) ORDER RESCHEDULING SENTENCING  
19 GREGORY JOHN FRANCO, ) HEARING FROM AUGUST 17, 2009 TO  
20 Defendant. ) SEPTEMBER 28, 2009

21 The defendant's sentencing hearing is currently scheduled for August 17, 2009, at 9:00 a.m.

22 Today defense counsel provided the government with additional information on several matters  
23 raised in the pre-sentence report and requested the government further consider and investigate  
24 this information prior to filing its final sentencing memorandum, and the government believes  
25 this request is reasonable under the circumstances. The parties recognize that this is not the first  
26 time the defendant's sentencing hearing has been continued, and are mindful of continued delay.

27 However, the parties believe that this additional time would helpful, and therefore request that  
28 the defendant's sentencing hearing be rescheduled to September 28, 2009, at 9:00 a.m. The

29 //

30 //

1 Probation Officer assigned to this matter is available at the requested date and time, and has no  
2 objection to the proposed rescheduling.

3  
4 DATED: August 11, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

5  
6  
7 /S/  
GRANT P. FONDO \_\_\_\_\_  
8 Assistant United States Attorney

9  
10 /S/  
SAM J. POLVERINO \_\_\_\_\_  
Counsel for Defendant Gregory J. Franco

11  
12 ///  
13 ///  
14 ///  
15 ///  
16 ///  
17 ///  
18 ///  
19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 **ORDER**

2 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY  
3 ORDERS that the defendant's August 17, 2009 sentencing hearing be rescheduled for September  
4 28, 2009.

5 IT IS SO ORDERED.

6 DATED: 8/12/09



7 RONALD M. WHYTE  
8 UNITED STATES DISTRICT JUDGE

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28